

REMARKS

Claims 1-11, 13-17, 19-21 and 23-27 are currently pending. Claims 1-4, 21,23,24,26 and 27 are considered elected. Claims 5-11, 13-17, 19, 20 and 25 are withdrawn. Claims 12, 18 and 22 have been cancelled.

Claims 1-4 and 26 were rejected under 35 U.S.C. 112, first paragraph as failing to comply with the written requirement. The Action refers to page 2, line 15 to page 3, line 9 of the specification – this was offered in the previous response as support for the statement “a diagnostic algorithm run entirely by a computer”.

In response, applicant has amended claims 1-4 and 26 to more particularly claim the invention described in the specification. Applicant also cites further support for the pending claims in the specification on:

Page 13, lines 14-18,

Page 27, line 10-14,

Page 49, lines 27-30,

Page 60, lines 9-22, and

Page 61, lines 1-7.

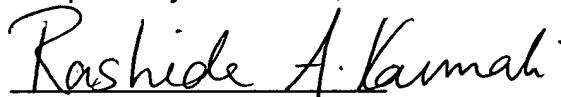
Claims 21 and 24 were rejected under 35 U.S.C. 102(b) as being anticipated by Adlassnig et al. (Artificial Intelligence in Medicine, (1995) Vol 7. pages 1-24) for failing to point out in the claims that the system is computer implemented.

In response, applicant has amended claim 21 to include the limitation “the

system is computer implemented". No new matter is added.

In addition, upon allowance of these generic claims, applicant respectfully requests that withdrawn claims 5-11, 13-17, 19, 20 and 25 be reinstated as being drawn to non-elected species pursuant to 37CFR 1.142(b) and be allowed.

Respectfully submitted,



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12/6/2004

Date of Signature